

TOWN OF CLINTON
PUBLIC NOTICE
FOR THE SOLICITATION OF PROFESSIONAL SERVICE CONTRACTS
FOR THE PERIOD OF
JANUARY 1, 2022 THROUGH DECEMBER 31, 2022

NOTICE IS HEREBY GIVEN that sealed submissions will be received by the Town Clerk, or designated representative, for the Town of Clinton, on Friday, September 24, 2022 at 2:00 pm, prevailing time, in the meeting room, Town Hall, 43 Leigh Street, Clinton, NJ 08809 then publicly opened and read aloud for the following

- Municipal Attorney
- Town Auditor
- Bond Council
- Town Engineer
- Alternate Town Engineer
- Town Planner
- Alternate Town Planner
- Land Use Attorney
- Land Use Planner
- Municipal Insurance Advisor
- Water Engineer
- Alternate Water Engineer
- Sewer Engineer
- Alternate Sewer Engineer
- Land Use Engineer

Standardized submission requirements and selection criteria are on file and available in the Town Clerk's Office, 43 Leigh Street, Clinton, NJ 08809, (908) 735-8616.

Submission packages may be obtained at the Town Clerk's Office during regular business hours, 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding holidays or on the Clinton web site, www.clintonnj.gov

All professional service contractors are required to comply with the requirements of N.J.S.A. 52:32-44 (Business Registration of Public Contractors) N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. (Contract Compliance and Equal Employment Opportunities in Public Contracts), State of New Jersey-Division of Purchase and Property Disclosure of Investment Activities in Iran, C.271 Political Contribution Disclosure Form and Business Entity Disclosure Certification.

Submissions by Corporations and Partnerships shall include a completed Disclosure of Ownership from (N.J.S.A. 52:25-24.2) and shall include a completed Non-Collusion Affidavit.

Please submit one original hard copy and 1 copy in digital format.

The Town reserves the right to reject any or all submissions due to any defects or waive informalities and accept any submissions that in their judgement will be in the best interest of the Town. The Town shall award the contract or reject all submissions no later than 60 days from receipt of same.

Cecilia Covino, RMC/CMC
Town Clerk

DATED: August 19, 2021

**TOWN OF CLINTON
DESCRIPTION OF PROFESSIONAL SERVICE CONTRACTS FOR WHICH
PROPOSAL ARE SOUGHT**

**APPOINTMENTS SHALL BE FROM JANUARY 1, 2022 THROUGH DECEMBER 31,
2022, OR UNTIL A SUCCESSOR IS APPOINTED**

The following is a description of the professional services needed, including, where appropriate, a description of tasks involved:

Municipal Attorney

The Municipal Attorney shall be a licensed attorney at law of New Jersey, but need not be a resident of the Town of Clinton. With the prior approval of the Mayor and Council, the Municipal Attorney shall have such powers and perform such duties as are provided for by the office of Municipal Attorney by general law or ordinances of the Town. The Municipal Attorney shall represent the Town in all judicial and administrative proceedings in which the Town or any of its officers or agencies may be a party or have an interest. The Municipal Attorney shall give all legal counsel and advice, where required by the Mayor, Council or any member thereof and shall, in general, serve as the legal advisor to the Mayor and Council on all matters of Town business. In furtherance of such general powers and duties, but without limitation thereto, the Municipal Attorney shall:

1. Draft or approve as to form and sufficiency all legal documents, contracts, deeds, ordinances and resolutions made, executed or adopted by or on behalf of the Town.
2. With appropriate approval, conduct appeals from orders, decisions or judgments affecting any interest of the Town as the Attorney may in his/her discretion determine to be necessary or desirable, or as directed by Mayor and Council.
3. Subject to the approval of Mayor and Council, have the power to enter into any agreement, compromise or settlement of any litigation in which the Town is involved.
4. Render opinions in writing upon any question of law submitted to the Attorney by the Mayor, Council, or any member thereof, or the head of any department, with respect to their official powers and duties and shall perform such other duties as may be necessary to provide legal counsel to the Mayor, Town Council and Clerk in the administration of municipal affairs.
5. Supervise and direct the work of such additional attorneys and technical professional assistants as the Council may authorize for special or regular employment in or for the Town.
6. Have such other different functions, powers and duties as may be provided by Charter, general law or ordinance.

The Municipal Attorney shall have a minimum of 10 years experience serving as a municipal attorney. The Municipal Attorney shall have experience with: 1) Mt. Laurel obligations and COAH; 2) police matters; 3) litigation involving public entities in connection with land use, sewer and water matters; 4) public contract issues; and 5) OPRA and OPMA issues. In addition, the Municipal Attorney shall have substantial experience advising public entities with respect to sewer and water issues, including experience representing public entities on sewer and water issues before the Department of Environmental Protection and the Bureau of Public Utilities.

Town Auditor

The Town Auditor shall perform the annual audit of the Town financial records for the year ending December 31, 2017, prepare and submit any and all reports required by law and to serve as Town Auditor for the calendar year 2018 and perform the duties prescribed by law all in accordance with generally accepted auditing standards and the laws and regulations of the State of New Jersey regarding same. The Town Auditor shall perform such duties and render such services as may from time to time be requested by the Town, Mayor and Council, the Chief Financial Officer or the Town Clerk. Services will also include the annual BPU report and annual sewer reconciliation report.

Bond Counsel

The Bond Counsel shall be a licensed attorney at law of New Jersey. Bond Counsel performs and provides legal advice with regard to the following activities: the preparation of Bond Ordinances and the review of the adoption proceedings; the preparation and review of public finance resolutions, the preparation and issuance of Bond Anticipation, Special Emergency, and Tax Anticipation Notes; and the preparation and issuance of General Obligation Bonds. In addition Bond Counsel is responsible for the preparation and/or review of any Preliminary Official Statement and Official Statement of the Town. Bond Counsel is also responsible for the preparation and/or review of any application to the Local Finance Board, and attendance at any related meetings of the Board.

Land Use and Town Planner

The Town Planner shall be a New Jersey licensed professional planner. As directed, the Town Planner shall prepare for the Town reports, presentations and research on land use, housing, open space, economic development, transportation, public utilities, historic preservation, farmland preservation and natural resource protection and conservation. The Town Planner assists and advises the Town on techniques, rules and regulations that the Town may need in exercising its powers in the area of land use, housing, open space, economic development, transportation, public utilities, historic preservation, farmland preservation and natural resource protection. The Town Planner assists and advises the Mayor and Town Council in maintaining its land development ordinance. The Town Planner provides planning advice to the Mayor, Town Council and Town Clerk on planning proposals as appropriate and requested. The Town Planner prepares plans and other supportive documentation for development and redevelopment as directed. The Town Planner represents the Town as directed in meetings with county, other municipalities and State agency officials. The Town Planner assists the Town Clerk in planning related matters as needed. The Town Planner advises the Town as necessary on new or advanced planning techniques. The Town Planner shall have the capabilities to prepare maps, reports and public presentations.

Professional Planner must have broad experience in municipal work, town planning, including master plans, zoning ordinances and special studies. In addition, the professional planning firm should have capability in some or all of the following professions: Landscape architecture, historic preservation, urban design, affordable housing and architecture.

Town Engineer

The Town Engineer shall be a New Jersey licensed Professional Engineer (PE) and a Certified Municipal Engineer (CME), having a minimum of ten (10) years of continuous experience as an appointed municipal engineer in the State of New Jersey. Experience within municipalities within Hunterdon County is preferred. When directed, the Town Engineer shall provide services necessary to review and make recommendations concerning repairs, reconstruction and/or improvements to required municipal infrastructure. The Town Engineer shall also provide consultation, review and make recommendations relating to land use and land development applications regarding their conformity to applicable municipal requirements and ordinances, along with general compliance with state and county regulations and good engineering design practices. When directed, the Town Engineer shall observe the installation(s) of municipal and private site improvements, to determine conformance with municipal requirements and approvals granted by the Town Planning Land Use Board. When directed, the Town Engineer shall provide services to assist municipal officers and departments, including assistance to the Construction Code Official with respect to issuance of building permits, certificates of occupancy and related permits associated with the land development and site infrastructure. When requested, the Town Engineer shall provide technical consultation with municipal officials, agents and boards, as directed. The Town Engineer must be familiar with all aspects of State of New Jersey, County of Hunterdon and Town of Clinton statutes, regulations and ordinances relating to the ownership, operation, maintenance, reconstruction and development of municipal infrastructure and municipal properties within the Town of Clinton.

Alternate Town Engineer

To provide the services of Town Engineer in absence or disqualification of the Town Engineer.

Land Use Board Attorney

The Board Attorney shall be an attorney at law of New Jersey. The Board Attorney shall attend all regular and special Board meetings, which shall include routine phone calls with staff. The Board Attorney shall prepare and defend all litigation affecting the Board or any member of it, which is the result of decisions made on applications or in the normal performance of their official duties pursuant to the Municipal Land Use Law. The Board Attorney shall provide legal advice, research and assistance on any other special matters, which the Board may require to be addressed by the attorney. The Board Attorney shall draft all legal documents as may be required including preparation of documents, and review of deeds, covenants, easements, etc. The Board Attorney shall represent or advise the Board on any matter in which the Board may have a present or future interest.

Land Use Engineer

The Land Use Engineer shall be a New Jersey licensed Professional Engineer (PE), having a minimum of ten (10) years of continuous experience as an appointed engineer to planning boards in the State of New Jersey. Experience with planning boards within Hunterdon County, New Jersey, is preferred. The Land Use Engineer shall attend all regular and special Land Use Board meetings, and provide assistance to board members and staff by responding to telephone conferences and correspondence. The Land Use Board Engineer shall perform all duties specified under New Jersey state law and municipal codes and regulations including the determination of compliance with the Municipal Land Use Law (MLUL), Residential Site Improvement Standards (RSIS) and local regulations. The Land Use Board Engineer shall

prepare all reports associated with the review of all land development applications for site plan and land subdivision applications, under escrow agreements, established by applicants with the Land Use Board. The Land Use Board Engineer shall also provide any additional non-escrow services, such as reviews of ordinances as may be requested by the Land Use Board.

Municipal Insurance Advisor

The Municipal Insurance Advisor shall be a person licensed to sell insurance to public entities in the State of New Jersey and shall hold all licenses required to do so. The Municipal Insurance Advisor shall have knowledge, training and experience in all forms of municipal insurance including first and third party coverages, general liability, public officials, liability, property damage, automobile, flood insurance, surety, performance and maintenance bonds and all other types of insurance products necessary for the municipality. In addition, the insurance agent shall have experience with and knowledge of participation by public entities in joint insurance funds. The Municipal Insurance Advisor shall evaluate the Town's operations and determine the level and scope of coverage necessary and shall make recommendations to the Town as to its insurance needs. He/she shall evaluate the availability and costs of insurance products and shall make recommendations to the governing body as to the most suitable and cost efficient means of insuring the Town and shall advise and assist the Town in connection with any claims that are made against the Town. The Municipal Insurance Advisor shall keep informed of the policies and procedures of any joint insurance fund of which the Town is a member and shall coordinate and facilitate the Town's inter-reactions with the joint insurance fund. He/she shall keep up to date with respect to the requirements of the joint insurance fund and shall keep the Town advised thereof. The Municipal Insurance Advisor shall be available to meet with the Town or its officials whenever necessary to do so. The Advisor shall also provide any necessary information to any Town carriers or joint insurance funds such as information about workers' compensation claims, loss runs, schedules of values or any other information required by the Town's joint insurance fund or carriers.

Sewer Engineer

The Town Sewer Engineer shall be a New Jersey licensed Professional Engineer (PE) and a Certified Municipal Engineer (CME), having a minimum of ten (10) years experience as an appointed engineer to a municipality within the State of New Jersey, having direct ownership and operational responsibilities of a sanitary sewer collection, conveyance and sewage treatment system. When directed, the Town Sewer Engineer shall provide services necessary to review and make recommendations concerning municipal sanitary sewer infrastructure, repairs, reconstruction and/or improvements. The Town Sewer Engineer shall also provide consultation, review and make recommendations relating to sanitary sewer utility service associated with land use and land development applications to determine their conformity to applicable municipal and state criteria along with general compliance with good engineering design practices. When directed, the Town Sewer Engineer shall observe the installation(s) of municipal and private site sewer utility improvements, to determine conformance with municipal and state requirements and approvals granted by the Town Land Use Board, along with permits issued by the New Jersey Department of Environmental Protection (NJDEP). When directed, the Town Sewer Engineer shall provide services to assist the sewer plant operator and sewer department personnel, with respect to the operation and maintenance of the Town's Utility System. The Town Sewer Engineer must be familiar with all aspects of the State of New Jersey, County of Hunterdon and the Town of Clinton statutes, regulations and ordinances, relating to the

ordinances, relating to the ownership, operation and maintenance and reconstruction of the municipal sanitary sewer infrastructure. Specific expertise in providing professional services associated with the type of infrastructure owned and operated by the Town of Clinton is required.

Alternate Sewer Engineer

To provide the services of Sewer Engineer in absence or disqualification of the Town Engineer.

Water Engineer

In general, the Water Engineer will be called upon to provide consulting services which are customarily provided to municipal water systems as required to assist the Water Department Superintendent and Licensed Operator with the following areas of service:

- Regulatory compliance – including NJDEP, BPU, EPA, and regulatory agencies
- Capital improvement budget planning
- System operations and maintenance
- Attend monthly meetings with Water Committee and other water personnel,
- Assist with monthly, quarterly and annual reporting
- Maintenance of water system construction standards and system mapping
- Review of applications for service and service agreements
- Special projects relating to supply, distribution, quality
- Preparation of quarterly reports to Town Administrator on system performance
- Project Management of various water system improvement projects

The firm and individual selected will be required to rapidly gain a working knowledge of the existing water supply and distribution system, without additional costs to the Water Utility.

The Water Engineer shall possess the following experience, training and skills:

- NJ Licensed Professional Engineer with educational background in civil/environmental engineering (Master Degree or higher preferred)
- Local knowledge of water system service area
- Office location in close proximity and response time to Water Department offices
- 10-years minimum experience in water system consulting
- Demonstrated knowledge and experience in the water works industry and professional/technical trade organizations

Alternate Water Engineer

To provide the services of Water Engineer in absence or disqualification of the Town Engineer.

**STATE OF NEW JERSEY -- DIVISION OF PURCHASE AND PROPERTY
DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN**

Quote Number: _____

Bidder/Offeror: _____

PART 1: CERTIFICATION

BIDDERS MUST COMPLETE PART 1 BY CHECKING EITHER BOX.

FAILURE TO CHECK ONE OF THE BOXES WILL RENDER THE PROPOSAL NON-RESPONSIVE.

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division's website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Bidders must review this list prior to completing the below certification. **Failure to complete the certification will render a bidder's proposal non-responsive.** If the Director finds a person or entity to be in violation of law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party

PLEASE CHECK THE APPROPRIATE BOX:

☐ I certify, pursuant to Public Law 2012, c. 25, that neither the bidder listed above nor any of the bidder's parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. **I will skip Part 2 and sign and complete the Certification below.**

OR

☐ I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. **I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below.** Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN

You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the boxes below.

EACH BOX WILL PROMPT YOU TO PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, CLICK THE "ADD AN ADDITIONAL ACTIVITIES ENTRY" BUTTON.

Name _____ Relationship to Bidder/Offeror _____

Description of Activities _____

Duration of Engagement _____ Anticipated Cessation Date _____

Bidder/Offeror Contact Name _____ Contact Phone Number _____

ADD AN ADDITIONAL ACTIVITIES ENTRY

Certification: I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that the State of New Jersey is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the State to notify the State in writing of any changes to the answers of information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with the State of New Jersey and that the State at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): _____

Signature: _____

Title: _____

Date: _____

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8
<NAME OF CONTRACTING AGENCY>

Part I – Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the <name of business entity> has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding (date of award scheduled for approval of the contract by the governing body) to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the <name of entity of elected officials> as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Part II – Ownership Disclosure Certification

☐ I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

☐ Partnership ☐ Corporation ☐ Sole Proprietorship ☐ Subchapter S Corporation
☐ Limited Partnership ☐ Limited Liability Corporation ☐ Limited Liability Partnership

Name of Stock or Shareholder	Home Address

Part 3 – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: _____

Signature of Affiant: _____ Title: _____

Printed Name of Affiant : _____ Date: _____

Subscribed and sworn before me this ____ day of _____, 2____.

My Commission expires:

(Witnessed or attested by)

(Seal)

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8
<NAME OF CONTRACTING AGENCY>

The following is statutory text related to the terms and citations used in the Business Entity Disclosure Certification form.

“Local Unit Pay-To-Play Law” (P.L. 2004, c.19, as amended by P.L. 2005, c.51)

19:44A-20.6 Certain contributions deemed as contributions by business entity.

5. When a business entity is a natural person, a contribution by that person's spouse or child, residing therewith, shall be deemed to be a contribution by the business entity. When a business entity is other than a natural person, a contribution by any person or other business entity having an interest therein shall be deemed to be a contribution by the business entity.

19:44A-20.7 Definitions relative to certain campaign contributions.

6. As used in sections 2 through 12 of this act:

“business entity” means any natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or of any other state or foreign jurisdiction;

“interest” means the ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit, as appropriate;

Temporary and Executing

12. Nothing contained in this act shall be construed as affecting the eligibility of any business entity to perform a public contract because that entity made a contribution to any committee during the one-year period immediately preceding the effective date of this act.

~~~~~

**The New Jersey Campaign Contributions and Expenditures Reporting Act (N.J.S.A. 19:44A-1 et seq.)**

**19:44A-3 Definitions.** In pertinent part...

p. The term "political party committee" means the State committee of a political party, as organized pursuant to R.S.19:5-4, any county committee of a political party, as organized pursuant to R.S.19:5-3, or any municipal committee of a political party, as organized pursuant to R.S.19:5-2.

q. The term "candidate committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) for the purpose of receiving contributions and making expenditures.

r. the term "joint candidates committee" means a committee established pursuant to subsection a. of section 9 of P.L.1973, c.83 (C.19:44A-9) by at least two candidates for the same elective public offices in the same election in a legislative district, county, municipality or school district, but not more candidates than the total number of the same elective public offices to be filled in that election, for the purpose of receiving contributions and making expenditures. For the purpose of this subsection: ...; the offices of member of the board of chosen freeholders and county executive shall be deemed to be the same elective public offices in a county; and the offices of mayor and member of the municipal governing body shall be deemed to be the same elective public offices in a municipality.

**19:44A-8 and 16 Contributions, expenditures, reports, requirements.**

*While the provisions of this section are too extensive to reprint here, the following is deemed to be the pertinent part affecting amounts of contributions:*

“The \$300 limit established in this subsection shall remain as stated in this subsection without further adjustment by the commission in the manner prescribed by section 22 of P.L.1993, c.65 (C.19:44A-7.2)

# C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Required Pursuant To N.J.S.A. 19:44A-20.26

This form or its permitted facsimile must be submitted to the local unit  
no later than 10 days prior to the award of the contract.

## Part I – Vendor Information

|              |  |        |      |
|--------------|--|--------|------|
| Vendor Name: |  |        |      |
| Address:     |  |        |      |
| City:        |  | State: | Zip: |

The undersigned being authorized to certify, hereby certifies that the submission provided herein represents compliance with the provisions of N.J.S.A. 19:44A-20.26 and as represented by the Instructions accompanying this form.

Signature

Printed Name

Title

## Part II – Contribution Disclosure

Disclosure requirement: Pursuant to N.J.S.A. 19:44A-20.26 this disclosure must include all reportable political contributions (more than \$300 per election cycle) over the 12 months prior to submission to the committees of the government entities listed on the form provided by the local unit.

☐ Check here if disclosure is provided in electronic form.

| Contributor Name | Recipient Name | Date | Dollar Amount |
|------------------|----------------|------|---------------|
|                  |                |      | \$            |
|                  |                |      |               |
|                  |                |      |               |
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☐ Check here if the information is continued on subsequent page(s)

## Continuation Page

## C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

Required Pursuant To N.J.S.A. 19:44A-20.26

Page \_\_\_\_ of \_\_\_\_

Vendor Name:

[illegible]

☐ Check here if the information is continued on subsequent page(s)

**List of Agencies with Elected Officials Required for Political Contribution Disclosure**  
**N.J.S.A. 19:44A-20.26**

**County Name:**

State: Governor, and Legislative Leadership Committees

Legislative District #s:

State Senator and two members of the General Assembly per district.

**County:**

Freeholders

{County Executive}

County Clerk

Surrogate

Sheriff

Municipalities (Mayor and members of governing body, regardless of title):

**USERS SHOULD CREATE THEIR OWN FORM, OR DOWNLOAD  
FROM [WWW.NJ.GOV/DCA/LGS/P2P](http://WWW.NJ.GOV/DCA/LGS/P2P) A COUNTY-BASED,  
CUSTOMIZABLE FORM.**

## STOCKHOLDER DISCLOSURE CERTIFICATION

**Name of Business:**

☐

I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

**OR**

☐

I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

**Check the box that represents the type of business organization:**

☐

Partnership

☐

Corporation

☐

Sole Proprietorship

☐

Limited Partnership

☐

Limited Liability Corporation

☐

Limited Liability Partnership

☐

Subchapter S Corporation

**Sign and notarize the form below, and, if necessary, complete the stockholder list below.**

Stockholders:

|               |               |
|---------------|---------------|
| Name:         | Name:         |
| Home Address: | Home Address: |
| Name:         | Name:         |
| Home Address: | Home Address: |
| Name:         | Name:         |
| Home Address: | Home Address: |

|                                                               |                                          |
|---------------------------------------------------------------|------------------------------------------|
| Subscribed and sworn before me this ____ day of _____, 2____. | _____<br>(Affiant)                       |
| (Notary Public)                                               | _____<br>(Print name & title of affiant) |
| My Commission expires:                                        | _____<br>(Corporate Seal)                |

# C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

## Public Agency Instructions

This page provides guidance to public agencies entering into contracts with business entities that are required to file Political Contribution Disclosure forms with the agency. **It is not intended to be provided to contractors.** What follows are instructions on the use of form local units can provide to contractors that are required to disclose political contributions pursuant to N.J.S.A. 19:44A-20.26 (P.L. 2005, c. 271, s.2). Additional information on the process is available in Local Finance Notice 2006-1 ([www.nj.gov/dca/lgs/lfns/lfmenu.shtml](http://www.nj.gov/dca/lgs/lfns/lfmenu.shtml)).

1. The disclosure is required for all contracts in excess of \$17,500 that are **not awarded** pursuant to a “fair and open” process (N.J.S.A. 19:44A-20.7).
2. Due to the potential length of some contractor submissions, the public agency should consider allowing data to be submitted in electronic form (i.e., spreadsheet, pdf file, etc.). Submissions must be kept with the contract documents or in an appropriate computer file and be available for public access. **The form is worded to accept this alternate submission.** The text should be amended if electronic submission will not be allowed.
3. The submission must be **received from the contractor and** on file at least 10 days prior to award of the contract. Resolutions of award should reflect that the disclosure has been received and is on file.
4. The contractor must disclose contributions made to candidate and party committees covering a wide range of public agencies, including all public agencies that have elected officials in the county of the public agency, state legislative positions, and various state entities. The Division of Local Government Services recommends that contractors be provided a list of the affected agencies. This will assist contractors in determining the campaign and political committees of the officials and candidates affected by the disclosure.
  - a. The Division has prepared model disclosure forms for each county. They can be downloaded from the “County PCD Forms” link on the Pay-to-Play web site at [www.nj.gov/dca/lgs/p2p](http://www.nj.gov/dca/lgs/p2p). They will be updated from time-to-time as necessary.
  - b. A public agency using these forms **should edit them to properly reflect the correct legislative district(s)**. As the forms are county-based, **they list all legislative districts in each county. Districts that do not represent the public agency should be removed from the lists.**
  - c. Some contractors may find it easier to provide a single list that covers all contributions, regardless of the county. These submissions are appropriate and should be accepted.
  - d. The form may be used “as-is”, subject to edits as described herein.
  - e. The “Contractor Instructions” sheet is intended to be provided with the form. It is recommended that the Instructions and the form be printed on the same piece of paper. The form notes that the Instructions are printed on the back of the form; where that is not the case, the text should be edited accordingly.
  - f. The form is a Word document and can be edited to meet local needs, and posted for download on web sites, used as an e-mail attachment, or provided as a printed document.
5. It is recommended that the contractor also complete a “Stockholder Disclosure Certification.” This will assist the local unit in its obligation to ensure that contractor did not make any prohibited contributions to the committees listed on the Business Entity Disclosure Certification in the 12 months prior to the contract. (See Local Finance Notice 2006-7 for additional



information on this obligation) A sample Certification form is part of this package and the instruction to complete it is included in the Contractor Instructions. **NOTE: This section is not applicable to Boards of Education.**

# C. 271 POLITICAL CONTRIBUTION DISCLOSURE FORM

## Contractor Instructions

Business entities (contractors) receiving contracts from a public agency that are NOT awarded pursuant to a “fair and open” process (defined at N.J.S.A. 19:44A-20.7) are subject to the provisions of P.L. 2005, c. 271, s.2 (N.J.S.A. 19:44A-20.26). This law provides that 10 days prior to the award of such a contract, the contractor shall disclose contributions to:

- any State, county, or municipal committee of a political party
- any legislative leadership committee\*
- any continuing political committee (a.k.a., political action committee)
- any candidate committee of a candidate for, or holder of, an elective office:
  - of the public entity awarding the contract
  - of that county in which that public entity is located
  - of another public entity within that county
  - or of a legislative district in which that public entity is located or, when the public entity is a county, of any legislative district which includes all or part of the county

The disclosure must list reportable contributions to any of the committees that exceed \$300 per election cycle that were made during the 12 months prior to award of the contract. See N.J.S.A. 19:44A-8 and 19:44A-16 for more details on reportable contributions.

N.J.S.A. 19:44A-20.26 itemizes the parties from whom contributions must be disclosed when a business entity is not a natural person. This includes the following:

- individuals with an “interest” ownership or control of more than 10% of the profits or assets of a business entity or 10% of the stock in the case of a business entity that is a corporation for profit
- all principals, partners, officers, or directors of the business entity or their spouses
- any subsidiaries directly or indirectly controlled by the business entity
- IRS Code Section 527 New Jersey based organizations, directly or indirectly controlled by the business entity and filing as continuing political committees, (PACs).

When the business entity is a natural person, “a contribution by that person’s spouse or child, residing therewith, shall be deemed to be a contribution by the business entity.” [N.J.S.A. 19:44A-20.26(b)] The contributor must be listed on the disclosure.

Any business entity that fails to comply with the disclosure provisions shall be subject to a fine imposed by ELEC in an amount to be determined by the Commission which may be based upon the amount that the business entity failed to report.

The enclosed list of agencies is provided to assist the contractor in identifying those public agencies whose elected official and/or candidate campaign committees are affected by the disclosure requirement. It is the contractor’s responsibility to identify the specific committees to which contributions may have been made and need to be disclosed. The disclosed information may exceed the minimum requirement.

The enclosed form, a content-consistent facsimile, or an electronic data file containing the required details (along with a signed cover sheet) may be used as the contractor’s submission and is disclosable to the public under the Open Public Records Act.

The contractor must also complete the attached Stockholder Disclosure Certification. This will assist the agency in meeting its obligations under the law. **NOTE: This section does not apply to Board of Education contracts.**

\* N.J.S.A. 19:44A-3(s): "The term "legislative leadership committee" means a committee established, authorized to be established, or designated by the President of the Senate, the Minority Leader of the Senate, the Speaker of the General Assembly or the Minority Leader of the General Assembly pursuant to section 16 of P.L.1993, c.65 (C.19:44A-10.1) for the purpose of receiving contributions and making expenditures."